

**REMARKS**

Applicants submit this petition and amendment pursuant to 37 C.F.R. §1.84(a)(2) in order to request the acceptance of color drawings being submitted as Figures 1-3 of the instant Application. These figures show formation of nanoprisms having a pore through the center that are described throughout the specification. Color is used in these figures to differentiate the nanoprism material from the backfilled material, and the differentiation would not be as clearly visible if it were presented in black and white.

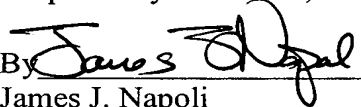
Pursuant to the requirements set forth in 37 C.F.R. §1.84(a)(2)(i)-(iii), Applicants submit herewith the \$130 fee in accordance with 37 C.F.R. §1.17(h), three sets of the color drawings, and a proposed amendment to the specification (pursuant to 37 C.F.R. §1.312) in order to amend the specification to include language identifying the specification as containing color drawings.

The petition fee is enclosed herewith. No other fees are believed to be due with the filing of a petition, however, should any additional fees be necessary in connection with the filing of this petition, or should the petition fee be inadvertently omitted, the Director is hereby authorized charge Deposit Account No. 13-2855, under Order No. 30938/41091A. A duplicate copy of this petition is enclosed. Also enclosed is a copy of the Notice to File Corrected Application Papers.

Should the petitions branch have any questions regarding this paper, they are invited to contact the undersigned representative.

Dated: April 2, 2007

Respectfully submitted,

By 

James J. Napoli

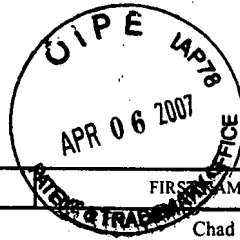
Registration No.: 32,361  
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(312) 474-6300  
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Attachments



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,976	03/15/2004	Chad A. Mirkin	30938/41091A	2495

4743 7590 03/09/2007  
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MARSHALL GERSTEIN

EXAMINER  
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ART UNIT PAPER NUMBER

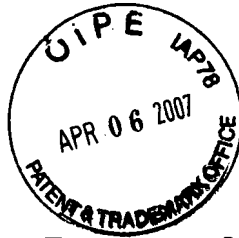
1742

MAIL DATE DELIVERY MODE

03/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

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[www.uspto.gov](http://www.uspto.gov)

Serial No. : 10/801,976  
Applicant : Mirkin, et al  
Filing Date : 03/15/2004  
Date Mailed : 03/08/07

Docketed: 5-7-07

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

### *Notice of Allowance Mailed*

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 60 days from the mail date of this Notice within which to correct the informalities indicated below. If the informality pertains to the abstract, specification (including claims) or drawings, the informality must be corrected with an amendment in compliance with 37 CFR 1.121 (or, if the application is a reissue application, 37 CFR 1.173). Such an amendment may be filed after payment of the issue fee if limited to correction of informalities noted herein. See Waiver of 37 CFR 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004). In addition, if the informality is not corrected until after payment of the issue fee, for purposes of 35 U.S.C. 154(b)(1)(iv), "all outstanding requirements" will be considered to have been satisfied when the informality has been corrected. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136(a).

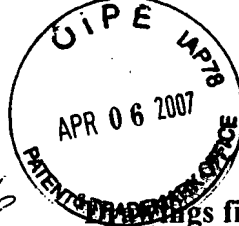
See attachment.

*A copy of this notice **MUST** be returned with the reply. Please address response to  
"Mail Stop Issue Fee, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450".*

*Nadene Clark*

Office of Patent Publication  
Phone: 703-308-9250, ext.144

Application No. 10/801,976



Drawings filed 3/15/04

### IDENTIFICATION OF DRAWING DEFICIENCIES

- ☐ There is a hole or the image thereof within the illustration. FIG(s) \_\_\_\_\_
- ☐ The character of the lines, numbers and letters is poor. FIG(s) \_\_\_\_\_
- ☐ The illustration is penetrated or traversed by a solid or broken line that is not intended to be part of the drawing, such as a dark line caused by a flaw in the copying process. FIG(s) \_\_\_\_\_
- ☐ An ink stamp or an image obscures part of the illustration. FIG(s) \_\_\_\_\_
- ☐ The drawing is marred by black smudges, obliterations, or fax/copier marks. FIG(s) \_\_\_\_\_
- ☐ Figure numbers are duplicated or missing. FIG(s). \_\_\_\_\_
- ☐ Numbers, letters, or reference characters in the drawing have been crossed out by hand or are illegibly handwritten. FIG(s) \_\_\_\_\_
- ☐ The drawing's background shows that the original drawing was made on graph paper or other paper with a pattern or decoration. FIG(s) \_\_\_\_\_
- ☐ The FIG. number label is placed in a location that causes the drawing to be read upside down. FIG(s) \_\_\_\_\_
- ☐ Data, a reference number, or part of the drawing is truncated or missing. FIG(s) \_\_\_\_\_
- ☐ The drawing is continued onto a second page (or more) without proper labeling under 37 CFR 1.81(u)(1). FIG(s) \_\_\_\_\_
- ☐ The drawing and/or the FIG. label contain(s) foreign language. FIG(s) \_\_\_\_\_
- ☒ Color drawings are present in this application but the following CFR 1.84 (a) requirements have not been met\*:
  - ☒ Petition filed
  - ☒ Petition fee
  - ☐ 3 sets of color drawings
  - ☒ Color drawing paragraph

\*If color drawings are not elected, then applicant **must** respond so stating. Also, references to color drawings in the specification, if any, must be amended.

COMMENTS: